

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: David Noriega	Team: Team # 5	CCRB Case #: 201011191	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/12/2010 3:30 PM	Location of Incident: East 174th Street and Manor Avenue	Precinct: 43	18 Mo. SOL 2/12/2012	EO SOL 2/12/2012	
Date/Time CV Reported Thu, 08/12/2010 7:21 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 08/12/2010 7:21 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Miguel Iglesias	15012	941926	043 PCT
2. POF Natasha Heron	01367	925204	043 PCT
3. POM Nathaniel Anthony	03172	923516	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Miguel Iglesias	Abuse: PO Miguel Iglesias stopped § 87(2)(b)	
B.POM Miguel Iglesias	Abuse: PO Miguel Iglesias frisked § 87(2)(b)	
C.POM Miguel Iglesias	Abuse: PO Miguel Iglesias searched § 87(2)(b)	
D.POM Miguel Iglesias	Discourtesy: PO Miguel Iglesias spoke obscenely and/or rudely to § 87(2)(b)	
E.POM Miguel Iglesias	Force: PO Miguel Iglesias tightly handcuffed § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary

§ 87(2)(b) filed this complaint via the CCRB's Call Processing System on August 12, 2010.

On August 12, 2010, at approximately 3:30 p.m., at East 174 Street and Manor Avenue in the Bronx, § 87(2)(b) was stopped by PO Miguel Iglesias of the 43rd Precinct. He was subsequently arrested and released with a summons for § 87(2)(b). The following allegations emerged from the incident:

- **Allegation A – Abuse of Authority:** PO Miguel Iglesias stopped § 87(2)(b) § 87(2)(g)
- **Allegation B – Abuse of Authority:** PO Miguel Iglesias frisked § 87(2)(b)
- **Allegation C – Abuse of Authority:** PO Miguel Iglesias searched § 87(2)(b) § 87(2)(g)
- **Allegation D – Discourtesy:** PO Miguel Iglesias spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(g)
- **Allegation E – Force:** PO Miguel Iglesias tightly handcuffed § 87(2)(b) § 87(2)(g)
- § 87(4-b) § 87(2)(g)

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a black male, § 87(2)(b) old, standing 5'8" and weighing 140 lbs., with black hair and brown eyes.

CCRB Testimony

§ 87(2)(b) provided a statement upon filing his complaint on the Call Processing System on August 12, 2010 [Encl. 2 A-B], provided a phone statement on August 17, 2010 [Encl. 3], and was interviewed at the CCRB on August 23, 2010 [Encl. 4 A-F]. § 87(2)(g)

On August 12, 2010, at approximately 3:30 p.m., § 87(2)(b) left his home at § 87(2)(b) in the Bronx and walked towards a bodega on the corner of East 174th Street

and Manor Avenue, where he had arranged to meet his cousin (whom he identified as “§ 87(2)(b)”) in order to pay him \$35 in cash that he owed him. § 87(2)(b) was late to meet his cousin, so he was walking quickly. As he left his building, he noticed an unmarked black Impala containing three individuals that he presumed to be police officers on East 174th Street; the officers looked at § 87(2)(b) and he kept walking.

§ 87(2)(b) reached the bodega, entered, and encountered § 87(2)(b) who was near the front counter playing the lotto. While still inside the store, § 87(2)(b) passed the cash to § 87(2)(b) and the two spoke briefly. Without having purchased anything, § 87(2)(b) then exited the store, while § 87(2)(b) remained inside. § 87(2)(b) began to walk back towards his home; as he crossed Manor Avenue, the same unmarked Impala he had noticed cut him off, and three officers emerged and approached him. These officers were identified by the investigation as PO Miguel Iglesias (whom § 87(2)(b) described as a light-skinned Hispanic male, 6’2”, slightly over 200 lbs.), PO Nathaniel Anthony (dark-skinned Hispanic male, 6’0”, over 200 lbs.) and PO Natasha Heron (light-skinned Hispanic female, 5’5”, medium-to-heavy build). § 87(2)(b) described the officers as wearing blue polo shirts with NYPD insignia.

Without first addressing § 87(2)(b) PO Iglesias grabbed him by the shoulders and pushed him against a vehicle that was parked nearby. § 87(2)(b) began to vocally protest the officer’s actions, yelling, “What did I do?” PO Iglesias replied, “Just get up against the car.” § 87(2)(b) placed his hands on top of the vehicle. PO Iglesias then frisked § 87(2)(b) s outer clothing down to his ankles, where he searched underneath his socks; PO Iglesias then inserted his hands into all of § 87(2)(b) s pockets and removed the objects therein (a wallet and other personal belongings). PO Iglesias then unbuckled § 87(2)(b) s belt and searched underneath the waistband of his pants and underwear. PO Iglesias did not retrieve any contraband.

Throughout this search, § 87(2)(b) persistently asked, “What did I do?” and yelled, “I didn’t do nothing!” The officers dismissed his questions. During the course of this interaction, a crowd had gathered in the vicinity to watch the incident, some members of which were yelling, “What did he do?” and similar comments at the officers. PO Iglesias then radioed someone whom § 87(2)(b) presumed to be a supervisor and stated that he would be arresting § 87(2)(b) for § 87(2)(b) — § 87(2)(b) believed PO Iglesias did this largely in reaction to the gathered crowd. PO Iglesias placed § 87(2)(b) in handcuffs, and said, “If you hadn’t been a dickhead, you would’ve been let go by now.” Once the cuffs were on, § 87(2)(b) continued to protest his arrest, asking, “What did I do?” § 87(2)(b) asked this twice, and both times PO Iglesias responded by tightening § 87(2)(b) s handcuffs. § 87(2)(b) alleged that PO Iglesias was deliberately tightening the handcuffs beyond the point of necessity in order to cause him pain.

§ 87(2)(b) was then transported to the 43rd Precinct stationhouse, where he was lodged for about an hour and a half. PO Iglesias then handed him a summons for § 87(2)(b). § 87(2)(b) left the precinct and, because he was angry about the incident, threw away the summons.

Attempts to Contact Civilians

The undersigned investigator conducted a canvas of the incident location on October 26, 2010. No witnesses were found.

NYPD Statements:

Subject Officer: PO MIGUEL IGLESIAS

- *PO Iglesias is a Hispanic male, § 87(2)(b) old, standing 6'1" and weighing 205 lbs., with brown hair and brown eyes.*
- *On August 12, 2010, PO Iglesias was assigned to the 43rd Precinct SNEU team, in an unmarked, blue Impala, with PO Anthony and PO Heron, on a tour from 9:30 a.m. until 6:05 p.m. PO Iglesias did not recall whether he was in uniform or plainclothes.*

Memo Book

PO Iglesias documented the incident in his memo book [Encl. 5 A-C] by noting a “possible hand to hand sale exchange of USC [U.S. Currency] for small objects” at 1535, noting that § 87(2)(b) exhibited “violent, tumultuous & threatening behavior” towards the officers, and indicating that a summons was issued to § 87(2)(b) at the 43rd Precinct stationhouse.

CCRB Testimony

PO Iglesias was interviewed at the CCRB on March 2, 2011 [Encl. 7 A-C].

On August 12, 2010, at approximately 3:30 p.m., PO Iglesias was in an unmarked vehicle (the SNEU catch car) with PO Anthony and PO Heron driving west on East 174 Street between Manor Avenue and Ward Avenue. The officers observed § 87(2)(b) walking on the north side of East 174 Street heading west. § 87(2)(b) was talking on his cell phone, and his other hand was visibly holding cash. § 87(2)(b) then crossed the street and met a second male individual (whose appearance PO Iglesias could not remember) on the corner of East 174 Street and Ward Avenue. PO Iglesias recalled that the officers stopped their vehicle at this point to better observe the two men, but could not recall their exact position or how far they were from § 87(2)(b) when the ensuing observations were made.

§ 87(2)(b) and the second individual began to walk together south on Ward Avenue. As they walked with their backs to the officers, PO Iglesias observed them extend their hands towards each other and exchange objects: § 87(2)(b) handed the individual the cash he had been holding, and the individual handed § 87(2)(b) what PO Iglesias could discern only as “small objects” (he could not see their color, shape, etc.). Though the men had their backs to PO Iglesias, he was able to observe the exchange through the space in between their bodies, where their hands met. After the exchange, § 87(2)(b) and the second individual parted ways, with § 87(2)(b) walking east on East 173rd Street.

The officers decided to stop § 87(2)(b) and followed him to the three-way intersection of East 173 Street, East 174 Street and Manor Avenue. PO Iglesias, PO Anthony and PO Heron approached § 87(2)(b) who immediately (before the officers could address him) became aggressive and disorderly, yelling at the officers that they had no reason to stop him and flailing his arms as he yelled. The officers ordered § 87(2)(b) to calm down, but § 87(2)(b) was so persistent in his yelling that the officers were unable to question him or address the reasons for the stop. A crowd began to gather in the vicinity to observe § 87(2)(b)'s behavior. PO Iglesias considered this disorderly behavior on § 87(2)(b)'s part, and decided that it would be safer to arrest § 87(2)(b) for § 87(2)(b) and transport him to the 43rd Precinct stationhouse in order to continue the investigation of the observed hand-to-hand transaction. The officers placed § 87(2)(b) against a parked vehicle and handcuffed him, during which § 87(2)(b) continued to yell. PO Iglesias characterized these actions as being performed collectively by all three officers. PO Iglesias stated that § 87(2)(b) was not frisked or searched prior to being placed in handcuffs, but was frisked after he was cuffed (once he was under arrest) to ensure that he was not armed. PO Iglesias specified that no officers searched § 87(2)(b)'s pockets or unbuckled his belt to search under the waistband of his pants and underwear. PO Iglesias further stated that neither he nor any other officers ever called § 87(2)(b) a “dickhead,” nor did they ever deliberately tighten § 87(2)(b)'s

handcuffs once they were secured.

§ 87(2)(b) was subsequently transported to the 43rd Precinct, where he was further searched. No narcotics or other contraband were found, and § 87(2)(b) was released with a summons for disorderly conduct.

Witness Officer: PO NATHANIEL ANTHONY

- *PO Anthony is a Hispanic male, § 87(2)(b) old, standing 6'0" and weighing 230 lbs., with brown hair and brown eyes.*
- *On August 12, 2010, PO Anthony was assigned to the 43rd Precinct SNEU team, in an unmarked vehicle, with PO Iglesias and PO Heron, on a tour from 9:30 a.m. until 6:05 p.m. PO Anthony did not recall whether he was in uniform or plainclothes.*

Memo Book

PO Anthony did not record the incident in his memo book [Encl. 9 A-C].

CCRB Testimony

PO Anthony was interviewed at the CCRB on March 25, 2011 [Encl. 10 A-B]. § 87(2)(g)

PO Anthony, who was the operator of the vehicle, recalled observing § 87(2)(b) pacing back and forth on the corner of East 174th Street and Manor Avenue talking on his cell phone and holding cash in one hand. He then recalled seeing § 87(2)(b) meet a second individual and start walking, though he could not recall the precise location of their meeting or the direction in which they walked. PO Anthony stated that PO Iglesias then informed him and PO Heron that he had witnessed a hand-to-hand transaction between § 87(2)(b) and the second individual, and that he believed § 87(2)(b) to be the buyer. PO Anthony stated that he did not witness any portions of this transaction. Soon thereafter, § 87(2)(b) and the second individual parted ways.

PO Iglesias approached § 87(2)(b) on foot while PO Anthony was parking the car. As PO Anthony emerged to help with the stop, he heard § 87(2)(b) begin to yell, cursing repeatedly and saying such things as, "Why are you stopping me?" and "Why are you always harassing me?" PO Anthony corroborated that this behavior caused a crowd to form, leading the officers to collectively decide to place § 87(2)(b) under arrest and transport him to the stationhouse. PO Anthony could not recall whether § 87(2)(b) was frisked at any point at the scene of the arrest, and stated that § 87(2)(b)'s pockets were not searched until his arrival at the stationhouse. PO Anthony stated that neither he nor any other officers unbuckled § 87(2)(b)'s pants in order to search his waistband. PO Anthony further stated that no officers ever called § 87(2)(b) a "dickhead" or deliberately tightened his handcuffs.

Witness Officer: PO NATASHA HERON

- *PO Heron is a Hispanic female, § 87(2)(b) old, standing 5'6" and weighing 160 lbs., with brown hair and brown eyes.*
- *On August 12, 2010, PO Heron was assigned to the 43rd Precinct SNEU team, with PO Iglesias and PO Anthony, in an unmarked vehicle, on a tour from 9:30 a.m. until 6:05 p.m. PO Heron stated that she was in uniform during the tour in question.*

Memo Book

PO Heron did not document the incident in her memo book [Encl. 12 A1-C].

CCRB Testimony

PO Heron was interviewed at the CCRB on April 29, 2011 [Encl. 13 A-B]. At the time of her interview, PO Heron had no independent recollection of the incident. She was presented with a photograph of § 87(2)(b) and with a copy of the summons issued to him by PO Iglesias. She was also presented with a verbal outline of the incident: she was told that § 87(2)(b) was approached under suspicion of a hand-to-hand transaction; that the other individual involved in the transaction was not apprehended; that § 87(2)(b) behaved boisterously and vocally protested the stop; and that a crowd gathered around the scene of the interaction prior to § 87(2)(b)'s being transported to the stationhouse. None of this information triggered any recollections on PO Heron's part regarding the incident.

NYPD Documents

The official NYPD photographs for PO Iglesias [Encl. 8] and PO Anthony [Encl. 11] indicate that PO Iglesias's skin tone is light, while PO Anthony's is dark.

Summons for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of June 10, 2011 with regards to the incident.

Civilians Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) [Encl. 1 C].

Subject Officer CCRB History

- PO Iglesias has been a member of the service for four years and the CCRB has substantiated the following allegations against him [Encl. 1 A-B]:
 - One frisk and one search allegation in regards to CCRB case 200813882, for which the Board recommended charges and for which the NYPD dispensed instructions.
- PO Nathaniel Anthony has been a member of the service for 11 years and there are no substantiated CCRB allegations against him [Encl. 1 C-D].
- PO Natasha Heron has been a member of the service for 11 years and there are no substantiated CCRB allegations against her [Enc. 1 E].

Conclusion

Identification of Subject Officers

PO Iglesias and PO Anthony acknowledged their interaction with § 87(2)(b) § 87(2)(b) described two male officers being present on the scene, and described one in particular as being responsible for all the alleged misconduct. § 87(2)(b) distinguished the subject officer as slightly taller than the male witness officer, and described him as a light-skinned Hispanic male, while the witness officer was a dark-skinned Hispanic male. These descriptions correspond to the two male officers who interacted with § 87(2)(b) – PO Iglesias (the slightly taller, light-skinned Hispanic male) and PO Anthony (the shorter, dark-skinned Hispanic male). § 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: PO Miguel Iglesias stopped § 87(2)(b)

Although § 87(2)(b) acknowledged that, prior to being stopped by the officers, he was meeting someone to hand him cash, he specifically stated that this transaction occurred inside of a store, and that he did not receive any objects in exchange. § 87(2)(g)

Allegation B – Abuse of Authority: PO Miguel Iglesias frisked § 87(2)(b)

Allegation C – Abuse of Authority: PO Miguel Iglesias searched § 87(2)(b)

It is undisputed that § 87(2)(b) reacted to his interaction with PO Iglesias, PO Anthony and PO Heron by loudly and agitatedly objecting to their actions and eventually causing a crowd to gather, sufficing for § 87(2)(b) to be placed under arrest for § 87(2)(b).

§ 87(2)(g) while PO Iglesias and PO Anthony claimed that § 87(2)(b) became disorderly before the officers had a chance to address or make physical contact with him, § 87(2)(b) claimed that his objections were a direct result to the officers executing an immediate and forcible stop, frisk and search. § 87(2)(g)

§ 87(2)(g)

Allegation D – Discourtesy: PO Miguel Iglesias spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

However, PO Iglesias denied such language, and there are no external sources of evidence to establish whether such a comment was made. § 87(2)(g)

Allegation E – Force: PO Miguel Iglesias tightly handcuffed

§ 87(2)(g)

PO Iglesias denied deliberately tightening § 87(2)(b)'s handcuffs, and again there is no external source of evidence to shed light on the allegation. § 87(2)(g)

§ 87(4-b) § 87(2)(g)

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date